FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.793 OF 2006
WITH
CRIMINAL APPEAL NO. OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.J.A. Udaipuri i/by Rajesh Kothari for the applicant.

Mr.Rajesh More , APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 5/4/2006.

P.C.

1. This is an application for leave to file appeal. I have perused the impugned judgment and order. The acquittal is on the footing that on behalf of the complainant examination in chief was led by an affidavit and none of the documents mentioned in the affidavit were proved. On behalf of the complainant one Mr.R.B.Shah Accountant of the Company filed an affidavit relying upon 33 documents. The contents of the documents were not

proved nor any evidence was led as to when the notice under Section 138 of the Negotiable Instruments Act was sent and the memo was received. In the circumstances, court had held that there is no evidence led to prove the ingredients of the offence under Section 138 of the Negotiable Instruments Act. There can be no fault found in the impugned judgment and order. Hence, leave refused. Consequently, the appeal to stand dismissed.

(R. S. MOHITE, J.)

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